

# United States District Court District of Massachusetts

PAUL PIZZUTO,  
Plaintiff,

V.

CIVIL ACTION NO. 04-12492-GAO

AIRBORNE EXPRESS  
INC., et al,  
Defendants.

## **NOTICE OF AND ORDER REGARDING MEDIATION**

In accordance with the Order of Reference for Alternative Dispute Resolution dated November 13, 2006, the parties are hereby notified that the court has scheduled a mediation conference for **Wednesday, January 31, 2007 at 10:30 A.M.** in Courtroom #23 (7<sup>th</sup> Floor), John Joseph Moakley United States Courthouse, 1 Courthouse Way, Boston, Massachusetts. Counsel are directed to be present with their respective clients or representatives thereof with full settlement authority.

In addition, each party shall submit to Magistrate Judge Collings **no later than five business (5) days before the conference** a brief memorandum addressing the party's position on the merits of the case and on settlement. The memorandum should be marked "**Confidential - Not for Docketing**" and will be held in confidence by the court.

*In the event that you believe the case is not ripe for mediation at this*

*time, you must notify opposing counsel and the court as soon as possible.*<sup>1</sup>

IT IS SO ORDERED.

/s/ Robert B. Collings

ROBERT B. COLLINGS  
United States Magistrate Judge

November 16, 2006.

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Examples of reasons why a case might not be ripe for mediation are (1) crucial discovery has not yet been done or (2) one or more of the parties is unwilling to settle the case on any terms or (3) one or more of the parties is unwilling to settle the case on any terms other than those which the other party or other parties will find impossible to accept.